

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

BRADBURY P , BURNS P , GiaQUINTA P ,
HENRY P , LONG P , REDD P ,
SCHMIDT P , STIER P , TALARICO P ,

- THE MINUTES OF THE LAST REGULAR January 12, 1988
_____, 19____,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 26th day of January, 1988, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____,

SANDRA E. KENNEDY, CITY CLERK



THE CITY OF FORT WAYNE

LAND USE MANAGEMENT

Division of Community Development & Planning

30 December 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-12-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of December 1987.

Robert Hutner
Secretary

FACT SHEET

Z-87-12-20

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment

From B-1-B to B-3-B

DETAILS

Specific Location and/or Address Northwest corner of Kenwood & Parnell.
Reason for Project Not stated by petitioner.
Discussion (Including relationship to other Council actions) Petition has been WITHDRAWN by petitioner. (Letter from Petitioner's agent requesting withdrawal is attached.)

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Munford Inc. City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions) Withdrawn by Petitioner
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

This image shows a blank page from a document. The paper has a light cream or off-white color with a slightly textured appearance. There are no markings, text, or illustrations on the page.

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Date 17 November 1987

Date 30 December 1987

Date 30 December 1987

Date 7 June 1958

Reference or Case Number



Suite 1107
Anthony Wayne Bldg.
Fort Wayne, Indiana 46802
(219) 422-8474

INDUSTRIAL
COMMERCIAL
INVESTMENT
DEVELOPMENT

Member:
National Association of Realtors

Individual Member:
Society of Industrial Realtors

December 23, 1987

Ms. Patricia A. Biancaniello
Zoning Clerk
Community Development & Planning
City/County Building
One Main Street
Fort Wayne, IN 46802

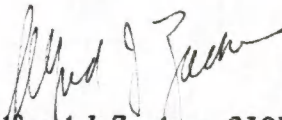
Re: Rezoning, Lot 1 and S. 13' Lot 2
Weils Sub Add.

Dear Ms. Biancaniello:

The owners of the above referenced property respectfully request a withdrawal of the above referenced zoning petition.

Sincerely,

THE ZACHER COMPANY



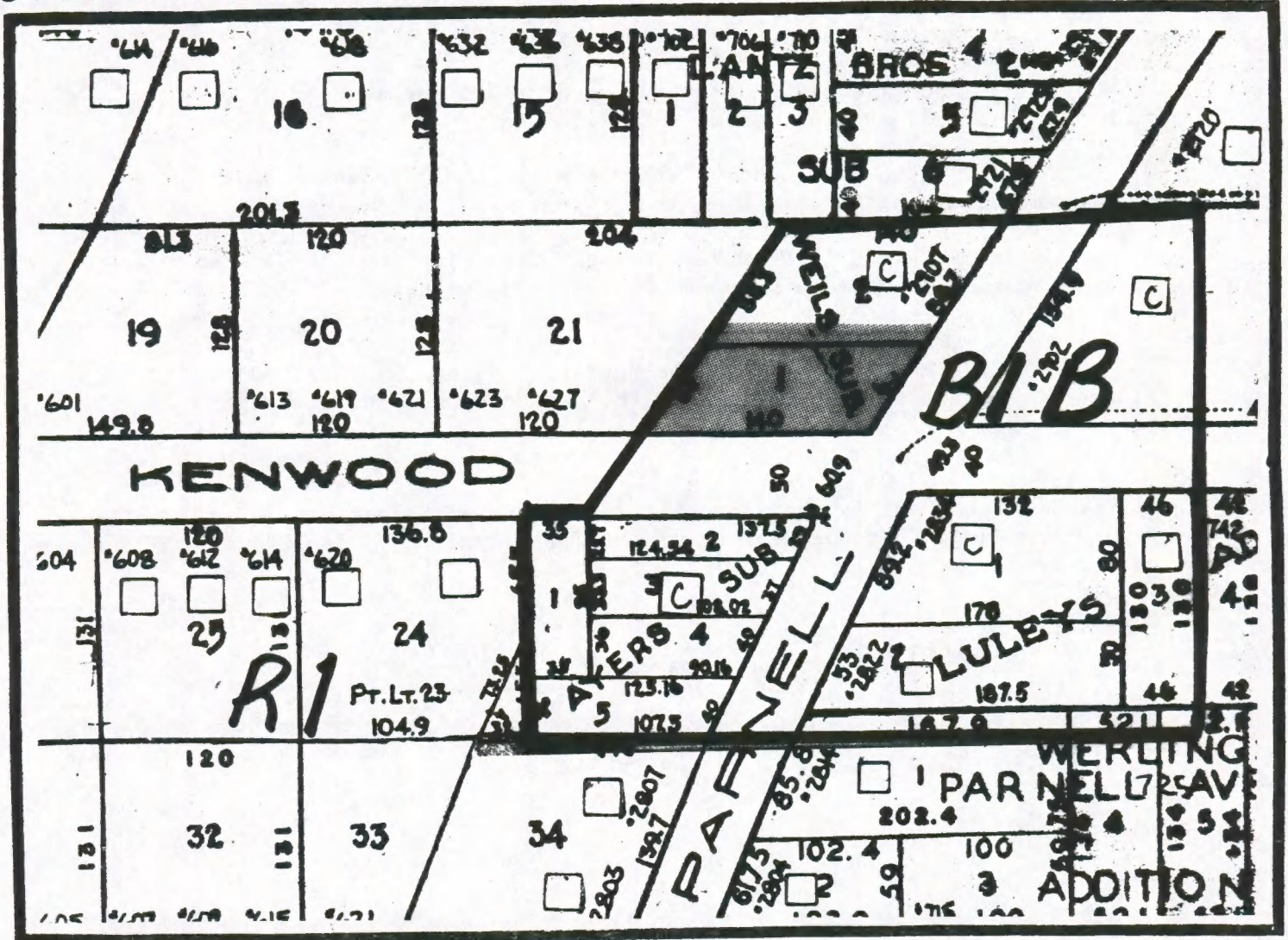
Alfred J. Zacher, SIOR

AJZ/ms

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM A BIB DISTRICT TO A B3B DISTRICT

MAP NO. N-18

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT
BIB LIMITED BUSINESS 'B'

LAND USE:

□ SINGLE FAMILY
Ⓢ COMMERCIAL

SCALE: 1" = 100'

DATE: 12-1-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 22, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-12-20: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1987.and,

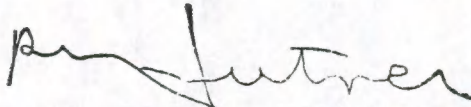
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1987.

Certified and signed this
30th day of December 1987.

A handwritten signature in dark ink, appearing to read "R. Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Alfred J. Zacker, agent for Munford, Inc., requests a change of zone from B-1-B to B-3-B.

Location: 2901 Parnell

Legal: Lot 1 & 13' of Lot 2, Weils Subdivision

Land Area: Approximately 0.23 Acres

Zoning: B-1-B

Surroundings:	North	B1B & R-1	Commercial & Residential
	South	B1B & R-1	Commercial & Residential
	East	B1B & R-1	Commercial & Residential
	West	R-1	Residential

Reason for Request: Not stated

Neighborhood Assoc.:

Landscape: No comment

Neighborhood Plan: No comment

Comprehensive Plan: The Comprehensive Plan states that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. Expansion or intensification of business uses in a predominately residential area sets an undesirable precedent for the area.

Planning Staff Discussion:

This site, located at the northwest corner of Kenwood & Parnell, is a limited commercial pocket, located in the midst of existing residential development. The other three corners include a service station, a tavern, and a Dairy Queen.

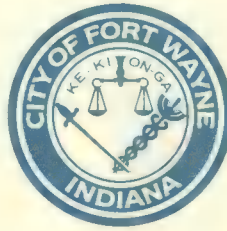
The goal of any rezoning petition deal with addressing certain tenants of zoning philosophy. These include the Comprehensive Plan, current conditions and/or character of the existing structures and uses, conservation of property values, and principles of responsible development and growth.

The primary uses in this area is single family residential. For the most part the homes are well established and maintained. This small limited business pocket has typically housed neighborhood service oriented enterprises. The existing designation already allows over 90 different uses.

An intensification of uses, as permitted by this requested zoning, could very seriously damage the existing character, and property values of the area.

Recommendation: Do Not Pass

- 1) Approval would constitute "spot zoning".
- 2) Approval could lead to serious adverse impact on the residential character of the immediate area, and its associated property values.
- 3) The northern quadrant of Fort Wayne already has a large number of parcels zoned with the requested designation, and we do not see a need to rezone additional properties at this time.



THE CITY OF FORT WAYNE
LAND USE MANAGEMENT
Division of Community Development & Planning

4 January 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:


Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-10-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
4th day of January 1988.


Robert Hutner
Secretary

FACT SHEET

Z-87-10-08

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R-1 to RA

DETAILS

Specific Location and/or Address 6300 Rodenbeck Drive
Reason for Project Multi Family Development
Discussion (Including relationship to other Council actions) <u>19 October 1987 - Public Hearing</u> (See Attached Minutes) <u>26 October 1987 - Business Meeting</u> This rezoning request was deferred by the City Plan Commission until such time as the developers could present a development plan to the Commission. <u>28 December 1987 - Business Meeting</u> The petitioner requested and was granted a withdrawal of the rezoning request. Of the eight members present seven (7) voted in favor of the motion to withdraw one (1) did not vote. Motion to withdraw the petition carried.

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Wilmer Rodenbeck Laverne Linnemeier City Department Other
Opponents	Groups or Individuals See Attached Minutes for List of Opposition Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions) Withdrawn by Petitioner
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 18 September 1987

Projected Completion or Occupancy

Date 4 January 1988

Fact Sheet Prepared by
Patricia Biancaniello

Date 4 January 1988

Reviewed by

Date

Reference or Case Number

7 November 1987

- e. Bill No. Z-87-10-08 - Change of Zone #301
From R-1 to RA
6300 Rodenbeck Drive

Mark Strong with Turnbell Engineering, representing the developer appeared before the Commission. He stated that this property as presently zoned has problems considering its proximity to I-69, the airport the commercial property and railroad to the east. He stated that they are proposed to build some quality condominiums in this area. He stated that they feel it would be an excellent buffer in this space between the commercial and single family. He stated that the plans they will present at the next public hearing will provide for the streets in the development to remain separated from the neighboring areas so that they would not be increasing traffic in the Ludwig Park area. He stated also the streets would be private. He stated that they would have City water and sewer. He stated that they have proposed retention ponds which would help the neighboring areas. He stated that they have worked diligently with Ludwig Park. He stated that they had meeting with the Officers of the Association and the Association themselves. He stated that he felt they have satisfied most of their concerns.

Paul DeWald, President of the Ludwig Park Community Association stated that they had a meeting about 3 weeks ago with about 80 members of the association present. He stated that by almost a 5 to 1 margin they approved the plans presented. He stated that the Board did not vote for it the people did.

The following people spoke in opposition to the proposed development:

Nancy Kloha, 816 Ludwig Park
Robert Ohm, 937 Wolverton
Forest Anderson, 824 Ludwig Park Drive
Lavida Smith
Dave Daniels, 1223 Orlando Drive
Tom Harbst, 709 Ludwig Park Drive

The following points of opposition were stated.

- multi-family would be a detriment to the single family land values in the area;

- traffic is already a serious problem in area; Washington Center Road is inadequate for the amount of traffic it carries presently and there are no immediate plans to improve it; Ludwig Road and Coldwater Road are heavily traveled and very busy during rush hours;

- public safety for people in the area will be jeopardized if more of the land surrounding Smith Field's flight pattern is developed;

- it was stated that several years ago they wanted to use this property to put in a playground and they were informed that this property was in Smith Field's flight pattern and could not put it in, why then can they put in condominiums;

- felt they were mislead by developer at Association meeting who told them that this property could be used for low-income housing or some other less comely project than the one presented;

- what if property is rezoned and the present developers plans fall through, someone else could come in and put in a project that would not be as attractive as this one

Janet Bradbury questioned staff about the flight pattern.

Wayne O'Brien stated that Mr. Strong should be able to answer any questions about the flight pattern.

Mark Strong stated that they did not use scare tactics to obtain the support of the association. He stated that they simply pointed out that there were other possible uses for the property that would be less acceptable. He stated that they have talked to the airport several times about the project. He stated that they are concerned that they might get phone calls because of the noise level but they had no objections to the project. He stated that they plan to keep the development south several hundred feet from Ludwig Road in order to avoid the projected flight pattern. He stated that the traffic issue is something they talked about in length the night they met with the association. He stated that it is their intention at this time to prevent any of their traffic from entering Ludwig Park Association. He stated they could do that if they go with a condominium project, but if they have to go with single family they will not be able to they would have to tie their streets in with Ludwig Park. He stated that this is not a high density project considering it is less than 10 dwellings per acre. Mr. Strong stated that the quality is certainly there for this project and will not be a detriment to the areas property values.

The following people submitted letters in opposition to the proposed rezoning.

Emery Right

Mrs. Mary Smith

Gerald & Ruth A. Neu, 1018 Pelham Drive

Lillian Levy, 1025 Pelham Drive

Lavida Smith, 927 Ludwig Park Drive

Charles F. Smith, 812 Orlando Drive

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.



P. O. BOX 15603
FORT WAYNE, INDIANA 46885

December 28, 1987

City Plan Commission
City of Fort Wayne

Gentlemen:

I Tom Rinehold, President of Developers Marketing Group, Inc., do respectfully request that the change of zoning located at 6300 Rodenbeck Drive and the Primary Development Plan for the Lakes of Ludwig be withdrawn.

Sincerely:

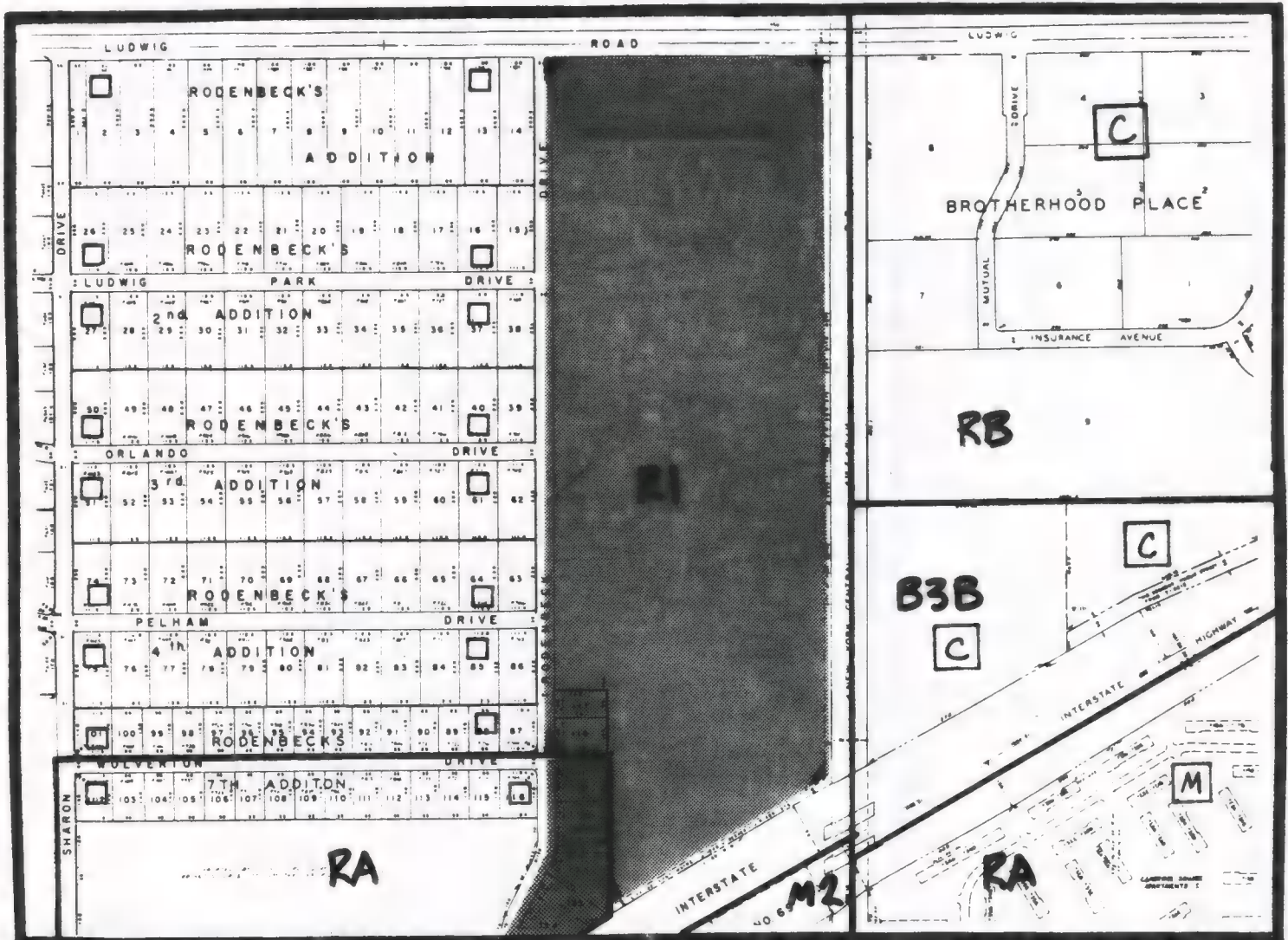
Tom Rinehold, President
Developers Marketing Group, Inc.

REZONING PETITION #301

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A RA DISTRICT.

MAP NO. L-38

COUNCILMANIC DISTRICT NO. 3



ZONING:

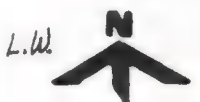
B3B GENERAL BUSINESS 'B'
RA RESIDENCE 'A'
R1 RESIDENTIAL DISTRICT

LAND USE:

□ SINGLE FAMILY
M MULTI-FAMILY
C COMMERCIAL

SCALE: 1" = 300'

DATE: 10-2-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 13, 1987, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-10-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 19, 1987.

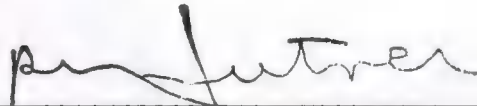
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1987.

Certified and signed this
4th day of January 1988.



Robert Hutner
Secretary

Turnbell Engineering Company, Inc., agent for Developers Marketing Group, requests a Change of Zone from R-1 to RA.

Location: 6300 Rodenbeck Drive

Legal: See file

Land Area: Approximately 43 Acres

Zoning: R-1

Surroundings:	North	RA	Airport
	South	M2	Industrial/Commercial
	East	RB/B3B	Commercial
	West	R-1	Single Family Residential

Reason for Request: Potential development of parcel

Neighborhood Association: Ludwig Park

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land use and should not establish an undesirable precedent in the area to be developed. The Goal in the Middle Sector, where this request is located, is for orderly growth. This rezoning would allow for multi-family residential uses which might be an appropriate buffer from commercial and office uses to the east.

Neighborhood Plan: No Comment

Landscape: No Comment

Planning Staff Discussion:

This area borders the railroad to one side, with non-residential uses on the other two sides, and single family residential to the west. Currently use of the land is for farming.

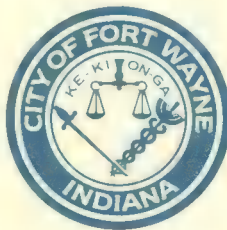
A portion of this parcel is already zoned RA, but was included in order to provide a better delineation of the parcel, in terms of legal description. Additionally, research shows that lots 117 thru 124 of Rodenbecks 7th Addition were vacated thru the Allen County Plan Commission in 1969. (Our attached graphic shows the

location of those lots.)

We understand that the petitioners have met with representatives of the neighborhood association, and have explained their intended development of the site. As we have always shown great concern regarding the preservation of residential integrity, we believe that this petition has merit in that it can serve as an added buffer, enhancing the appeal of the area, and to further delineate this single family residential pocket.

Recommendation: Do Pass

- 1) Approval will allow for the highest and best use of the property.
- 2) Approval will allow future development that will serve to buffer the SFR area to the west from the more intense uses to the east.
- 3) Approval will assist in preservation of the residential uses, and their associated property values.



THE CITY OF FORT WAYNE

LAND USE MANAGEMENT

Division of Community Development & Planning

4 January 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-06-34

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
4th day of January 1988.

Robert Hutner
Secretary

FACT SHEET

Z-87-06-34

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment
From RA to B-3-B

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

4601 & 4605 Illinois Road

Reason for Project

Development for commercial rental property.

Discussion (Including relationship to other Council actions)15 June 1987 - Public Hearing

Scott Loughheed, owner and petitioner, stated that he was requesting the rezoning in order to develop the property into commercial rental properties. He stated that the staff had recommended the request be perfected to a B-1-B and he had no problem with that perfection.

28 December 1987 - Business Meeting

At the June 22, 1987 Business Meeting the Commission recommended DO PASS with several conditions. (See list of conditions in attached staff report.) The petitioner was then notified of the recommendation and conditions and given six months to meet the conditions or the Commission would reconsider their recommendation. The petitioner did not meet the conditions within the six month period. Mr. Loughheed was notified by registered mail that the Commission would reconsider its recommendation of DO PASS at the December 28th Business Meeting and would consider recommending DO NOT PASS. Mr. Loughheed informed staff that he did not

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Scott Loughheed
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☐ For☒ Against

Reason Against

**Board or
Commission
Recommendation**

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

intend to develop the property at this time and he would not be complying with the conditions of the Commission.

Motion was made at the December 28th Business Meeting and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight members present seven (7) voted in favor of the recommendation one (1) did not vote, motion to deny carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes

(This space for further discussion)

Project Start

Date 15 May 1987

Projected Completion or Occupancy

Date 4 January 1988

Fact Sheet Prepared by

Patricia Biancaniello

Date 4 January 1988

Reviewed by

Date

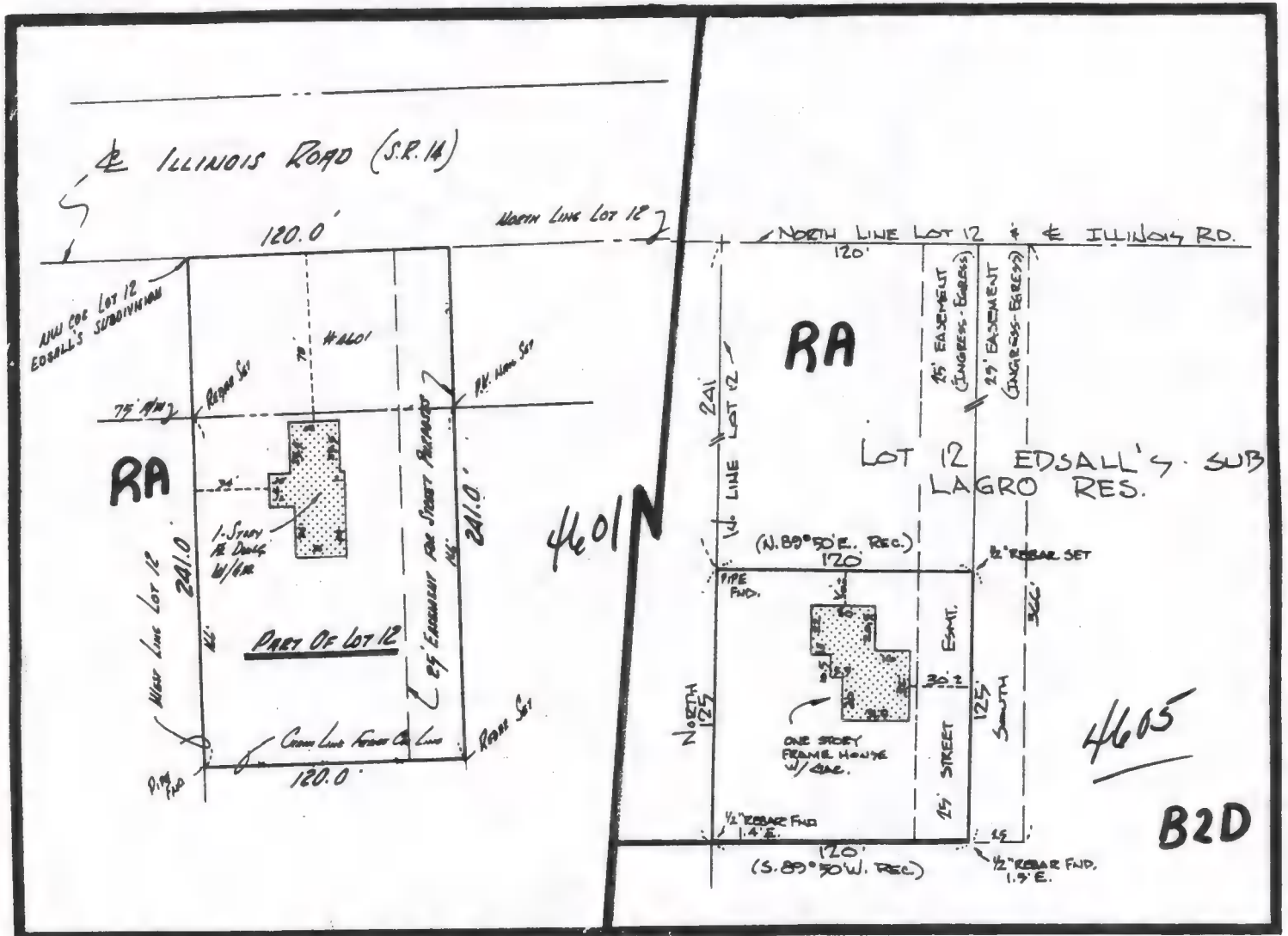
Reference or Case Number

REZONING PETITION

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A B3B DISTRICT.

MAP NO. F-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE A
B2D REGIONAL SHOPPING CENTER

LAND USE:

☐ SINGLE FAMILY

SCALE: N.T.S.

DATE: 5-1-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-06-34; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

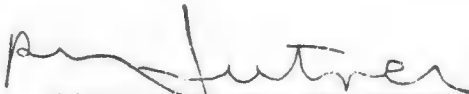
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1987.

Certified and signed this
4th day of January 1988.


Robert Huthner
Secretary

Change of zone # 276

Scott & Robin Loughheed request a change of zone from RA to B-3-B

Location: 4601 & 4605 Illinois Road

Legal: See file

Land Area: Approximately 1 acre

Planning Staff Discussion:

The Plan Commission reviewed this petition at their June 22nd business meeting. It was their recommendation to perfect the petition, and to grant a Conditional Approval to the petition, subject to the petitioner meeting certain conditions. (These conditions had to do with the frontage road requirement that has been imposed in this area.)

The petitioner was given six months to meet the conditions, and failing to do so, the item is placed back on the agenda for the Plan Commissions review and determination.

The petitioner was informed by registered letter on Dec. 2ne that our records indicated that the conditions had not been satisfied, and that he would be placed on the Commissions agenda for Dec. 28th.

As the conditions placed deal with the frontage road concept that the Commission has imposed on rezonings and development plans in this area, and since the conditions have not been satisfied, we would have to recommend denial.

Recommendation: Do Not Pass

1) The frontage road concept is of utmost importance to development along this corridor. Without appropriate agreements, commercial development would strongly contribute to accident potentials.

2) The petition as originally filed requested a B-3-B, we feel that there is ample property in this area that is zoned for commercial usage, without requiring an intensified B-3-B designation.

Rezoning Petition # 276

Scott & Robin Loughheed request a change of zone from RA to B-3-B

Location: 4601 & 4605 Illinois Road

Legal: See File

Land Area: Approximately 1 acre

Zoning: RA

Surroundings:	North	County	
	South	B2D	Proposed Apple Glen
	East	B2D	Proposed Apple Glen
	West	RA	Residential

Reason for Request: Not stated

Neighborhood Assoc: Reckweg Road Neighborhood Assn

Neighborhood Plan:

Comprehensive Plan:

Landscape:

Planning Staff Discussion:

The Illinois Road corridor has seen an upsurge in requests for development both in the city and in the county. Previously the Plan Commissions attitude has been to establish a gradual transition from the designated shopping center to lower intensity uses through Reckweg Road, and then a gradual increase in intensity through Getz Road.

Recently the Commission has had reason to re-evaluate that concern, and has approved more intense uses along this corridor. A traffic study was conducted by an outside consultant and the need for a frontage road was mandated as a means to ease traffic flow.

Recommendation: Perfect to B-1-B and Conditionally Approve, contingent upon the developer satisfying the following conditions:

1) Petitioner is to provide a recorded document, in a form acceptable to the Commissions attorney, agreeing to the following:

a) Petitioner shall grant a 40 foot wide ingress/egress easement along the front of

subject property, to be used as a frontage road;

b) Petitioner shall construct, and maintain, such frontage road to applicable City standards, when directed to do so by the City of Fort Wayne;

c) Any driveways shall be subject to review and closure ,by the owner, at the discretion of the Traffic Engineering Dept.;

d) Any obstructions to the frontage road including sight, shall be removed at the owners expense.



THE CITY OF FORT WAYNE

LAND USE MANAGEMENT

Division of Community Development & Planning

5 January 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Re: Bill No. Z-87-03-26

Gentlemen and Mrs. Bradbury:

At the City Plan Commission meeting held December 28, 1987, the Commission reviewed, at Common Council's request, (letter dated November 12, 1987) the recommendation of Do Not Pass for the above referenced Bill.

The Commission was informed that the petitioner had now met all of the conditions placed on said Bill and a new motion of Do Pass was approved.

We are therefore returning the rezoning to the Common Council for final disposition with a DO PASS recommendation.

Sincerely,

CITY PLAN COMMISSION

Robert Hutner
Secretary

Certified and signed this
5th day of January 1988.



THE CITY OF FORT WAYNE

LAND USE MANAGEMENT

Division of Community Development & Planning

5 January 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Re: Bill No. Z-87-03-26

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Sincerely,

CITY PLAN COMMISSION

Robert Hutner
Secretary

Certified and signed this
5th day of January 1988.



THE CITY OF FORT WAYNE

November 12, 1987

City Plan Commission
8th Floor
City-County Bldg.
Fort Wayne, IN 46802

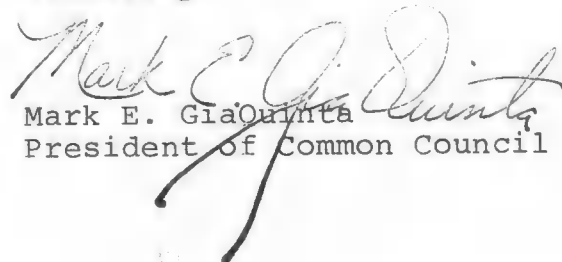
Dear Mr. Baeten:

At the Common Council meeting of November 10, 1987, the attorney for the petitioner John E. Williams Jr., appeared before us stating that he was not properly notified by the Plan Commission regarding the meeting of September 24, 1987, at that time Bill No. Z-87-03-26, was discussed. The bill received a "Do Not Pass" recommendation by the Plan Commission.

Therefore, Mr. Williams asked if Common Council would return the above mentioned bill back to the City Plan Commission for reconsideration.

We would appreciate your kind attention regarding Bill No. Z-87-03-26.

Sincerely,


Mark E. Giacquinta
President of Common Council

FACT SHEET

Z-87-03-26

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From RA & R3 to B-1-B

DETAILS**Specific Location and/or Address**

5005 Illinois Road

Reason for Project

To legitimize a business office being operated on property.

Discussion (Including relationship to other Council actions)16 March 1987 - Public Hearing

John Williams, attorney representing the petitioners Paul & Evelyn Grimmer stated that the parcel in question consists of two lots situated on the southwest corner of Reckeweg Road and Illinois Road. He stated that the very corner lot is vacant and the second lot is occupied by what was originally built as a single family residence, now being used as a CPA office. He stated that the necessity to rezone and the zoning classification has been arrived at through discussions with the staff. He stated it was their understanding that this was the most appropriate classification for this particular parcel of real estate. He stated that they are aware of the staff's recommendations and the requirements that would be placed on the zoning for the access road and screening. He stated that on behalf of his clients they accept the recommendation of the staff.

Baron Biedenweg questioned if it was anticipated that they would have any access onto Reckeweg Road.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Paul & Evelyn Grimmer
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☐ For ☒ Against

Original Recommendation was "conditional approval, but the applicant did not comply with conditions within given six months."

Reason Against**Board or
Commission
Recommendation**

By

☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

DETAILS

Mr. Williams stated that if the access road goes in it will access off of Reckeweg. He stated they will lose their access on Illinois Road as they understand.

Edith Kenna questioned what they have planned for the vacant lot.

Mr. Williams stated they had no plans at that time.

Edith Kenna questioned if that was why the staff recommended B-1-B instead of POD.

V.C. Seth stated that up and down Illinois Road there is only one location of a POD the rest of the zonings are either B-1-B or B-3-B. He stated that it could go to POD, but the last time the Commission was reluctant to give a POD on an existing house that was to be used for offices. He stated the Commission wanted new buildings built, and that was the reason the staff recommended B-1-B. He stated if the Commission feels a POD is more appropriate the staff would be willing to go along.

Edith Kenna stated that although the Commission was reluctant they did vote for the POD and wondered if the POD was working out on the other property mentioned.

Wayne O'Brien stated that the POD on Illinois Road did meet the conditions placed on the rezoning and the rezoning request was returned to Commission for a recommendation of do not pass.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

26 October 1987 - Business Meeting

At this meeting the Commission had been requested to reconsider its recommendation of DO NOT PASS which was given to this request at the September 28, 1987 business meeting, due to the fact that the petitioner failed to meet the conditions placed upon the request within the six months allotted. The petitioner was notified of the meeting on September 28, 1987 but failed to appear.

The petitioner had been given a conditional approval on March 23, 1987.

Motion was made not to reconsider the DO NOT PASS recommendation but to allow the ordinance to be forwarded to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the eight (8) members present 7 voted in favor of the motion, one (1) did not vote.

Project Start

Date 29 January 1987

Projected Completion or Occupancy

Date 29 October 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 29 October 1987

Reviewed by

Reference or Case Number

Date

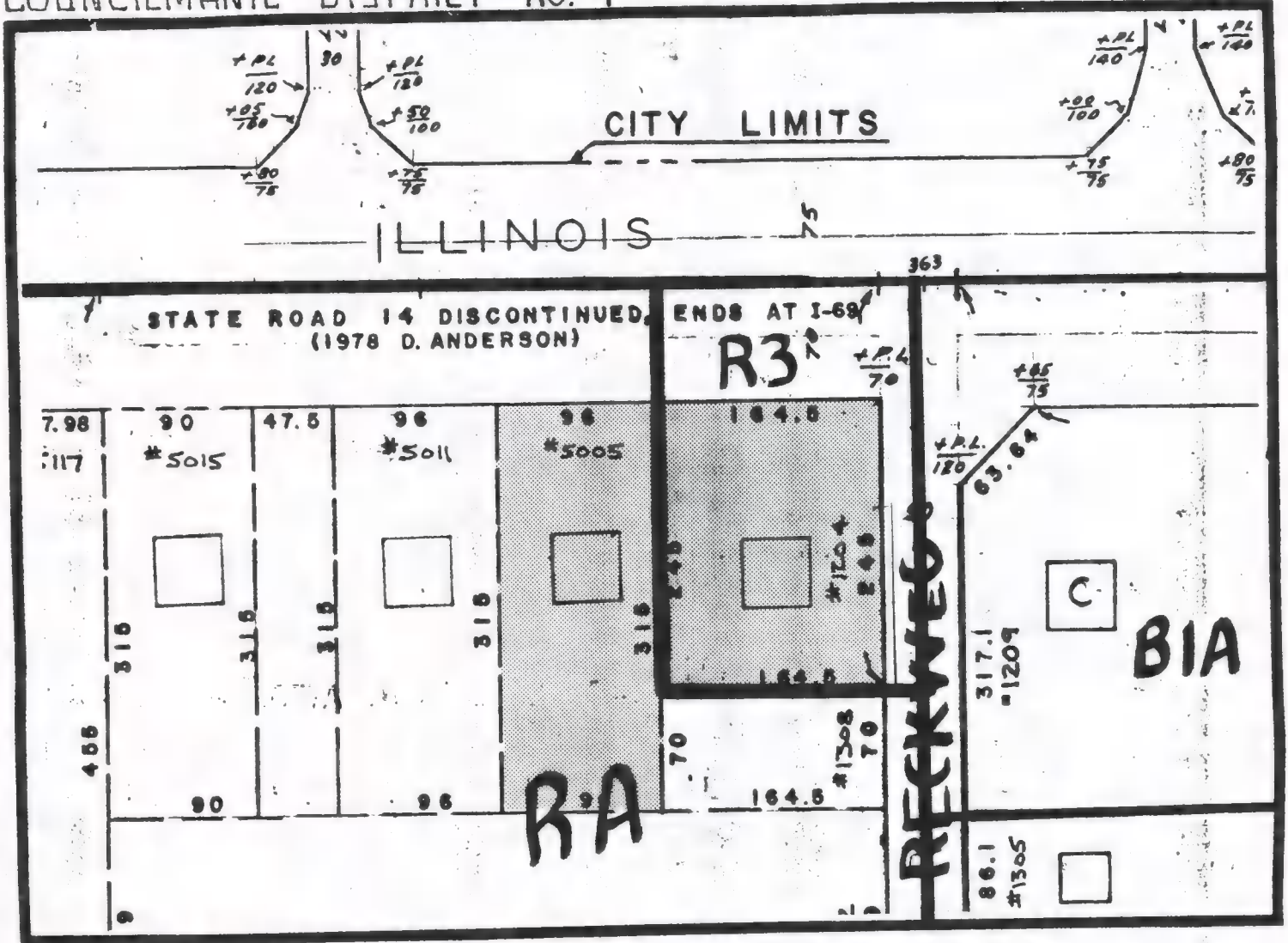
10/30/87

REZONING PETITION # 256

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA & R3 DISTRICT TO AN B1B DISTRICT.

MAP NO. F-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE 'A'
R3 RESIDENTIAL DISTRICT
BIA LIMITED BUSINESS 'A'

LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL

SCALE: 1"=100'

DATE: 2-27-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-03-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 16, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

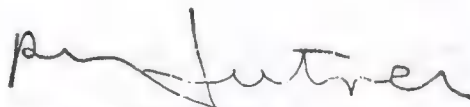
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 26, 1987.

Certified and signed this
29th day of October 1987.



Robert Hutner
Secretary

Returned to the Commission...Petition Z-87-03-26

Location: 5005 Illinois Road

Request: Change of Zone from RA & R-3 to B-1-B

Reason for Request: Zoning violation (accounting business)

Plan Commission Action:

At the March 23rd business meeting the Plan Commission recommended "Conditional Approval" of this petition, contingent upon certain requirements being satisfied. (Basic frontage road concepts/commitments and landscape buffering at the rear of the property.)

Petitioner has failed to meet the requirements set forth by the Commission. While the Plan Commission has deemed this area potentially acceptable to certain zoning requests, such approval has mandated inclusion of certain buffering techniques, and traffic movement/safety concerns. Failure to satisfactorily address these needs restricts and damages the planned growth of this area.

Recommendation: Do Not Pass

1) Petitioner has not met the requirements established by the Plan Commission for rezonings in this area.

2) Failure to address these concerns restricts and potentially damages the orderly growth of this area.

3) Approval without incorporation of established policies would adversely impact the area and the general welfare of the area populace.

Paul & Evelyn Grimmer request a rezoning from RA & R-3 to B-1-B

Location: 5005 Illinois Road

Legal: See File

Land Area: Approximately 1.5 Acres

Surroundings:	North	County	Commercial
	South	RA	Residential
	East	B-1-A	Commercial
	West	RA	Residential

Reason for Request: Business offices

Neighborhood Assoc.: Reckeweg Road Neighborhood Assn.

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land use and should not establish an undesirable precedent in the area to be developed. The goal in the West Sector, where this request is located, is to contain urban growth within the urban service line. Additional shopping areas are not recommended for this area, but if commercial rezonings continue, means of controlling access to the Illinois Road transportation corridor must be implemented.

Urban Design: No comment.

Neighborhood Plan: No comment.

Planning Staff Discussion:

Both of the petitioned parcels are being used as offices at the time of filing. One of the parcels has been the subject of a zoning violation complaint, resulting in the rezoning petition.

This area of the Illinois Road has been the subject of numerous development inquiries and rezonings in the last year and a half. The policies of the Plan Commission indicate that commercial land use is appropriate if transportation consideration are taken into account and provided for.

We have no objections to the rezoning if the frontage road concept is implemented, and suitable landscape buffering is required along the rear property lines to lessen the impact on residential development.

Change of Zone
Illinois Road

Recommendation: Conditional Approval, contingent upon the petitioner satisfying the following:

- 1) Petitioner is to provide a recorded document, in a form acceptable to the Commissions attorney, agreeing to the following:
 - a) Petitioner shall grant a 40 foot wide ingress/egress easement along the front of subject property, to be used as a frontage road;
 - b) Petitioner shall construct, and maintain, such frontage road to applicable City standards;
 - c) Any driveways shall be subject to review and closure ,by the owner, at the discretion of the Traffic Engineering Dept.;
 - d) Any obstructions to the frontage road shall be removed at the owners expense.
- 2) A suitable 30 foot wide landscape buffer must be installed and maintained along the rear of the parcel, where it abuts residential zoning. Such landscape buffer must be approved by the C.D.&P. Landscape Architect, and must be installed within one planting season.



THE CITY OF FORT WAYNE

LAND USE MANAGEMENT

Division of Community Development & Planning

4 January 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-12-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
4ty day of January 1988.

Robert Hutner
Secretary

FACT SHEET

Z-87-12-21

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From RA & M-1 to R-1

DETAILS**Specific Location and/or Address**

An area more or less south of Engle Road and east of Ardmore Avenue.

Reason for Project

Downzoning

Discussion (Including relationship to other Council actions)

21 December 1987 - Public Hearing

Robert Stark, with the Sandpoint Neighborhood Association stated that they have approximately 241 signatures out of the 261 residences, about 93% of the residents signed in favor of the downzoning. He stated that the residence represent approximately 71% of the area.

Herman Friedrich questioned if the signatures are checkey by anyone to make sure that they are the property owners in the area.

Wayne O'Brien, planner with CD&P stated that they were.

Fred Rockstroh, 2502 Greenvview Avenue, appeared before the Commission. Mr. Rockstroh stated that he was the acting President for the Sandpoint Neighborhood Association. He stated that the reason they were asking for the downzoning was the result of a developer attempting to put 14 condominiums in a 1.5 sq mile acres. He stated that they had

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Sandpoint Neighborhood Assn
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

considerable problems and they hope with the downzoning they can overcome that type of development in the future.

There was no else present who wished to speak in favor of or in opposition to the proposed rezoning.

28 December 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight members present seven (7) voted in favor of the motion one (1) did not vote. Motion carried.

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 23 October 1987

Projected Completion or Occupancy

Date 4 January 1988

Fact Sheet Prepared by

Patricia Biancaniello

Date 4 January 1988

Reviewed by

Date

Reference or Case Number

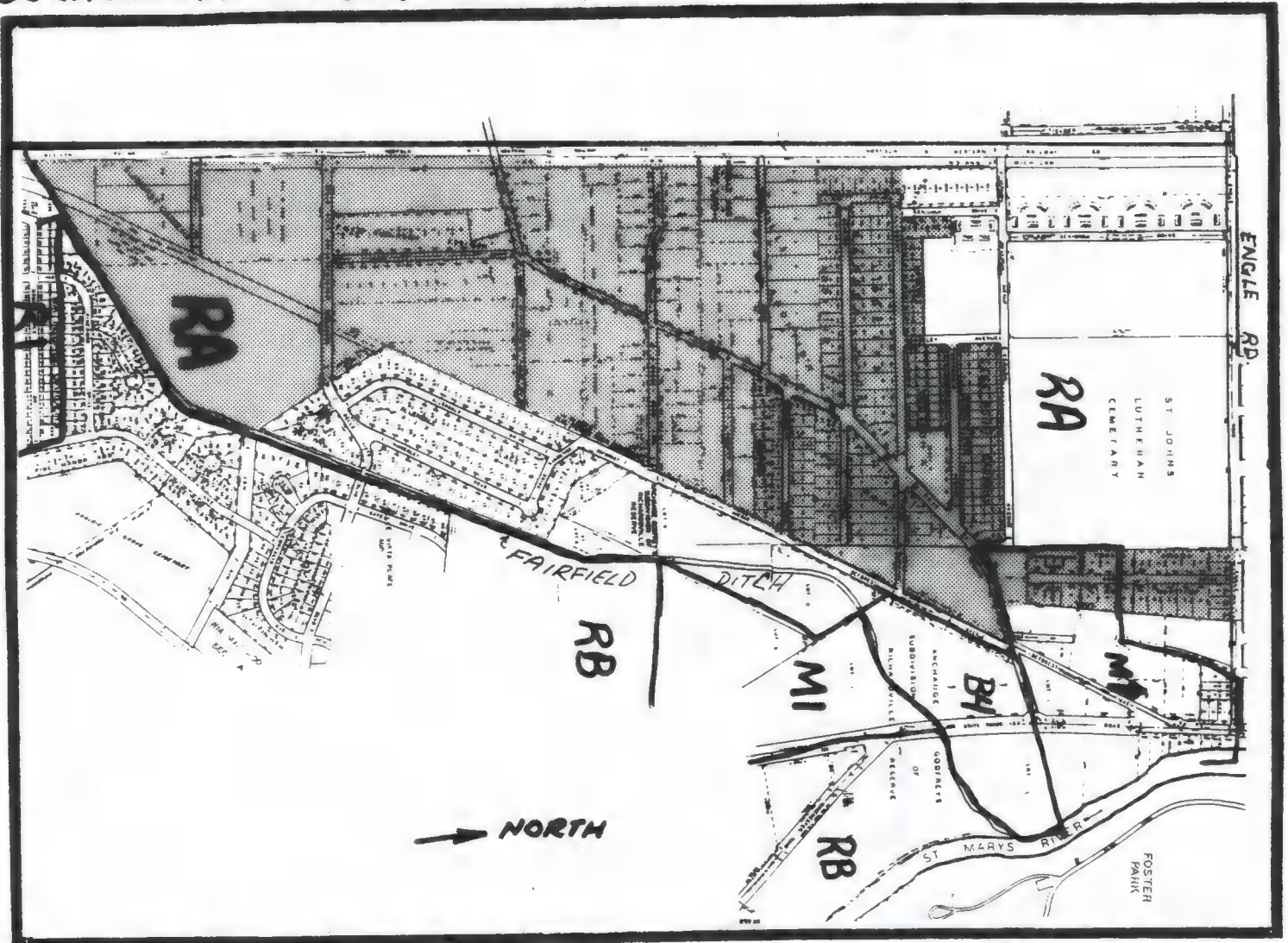
1 January 1988

REZONING PETITION # 318

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A M1/RA DISTRICT TO A R1 DISTRICT.

MAP NO. 1-15, 1-19, 1-23, J-15, J-19, J-23

COUNCILMANIC DISTRICT NO. 4



ZONING:

MI LIGHT INDUSTRY
RA RESIDENCE 'A'
B4 ROADSIDE BUSINESS
RB RESIDENCE 'B'

LAND USE:

SINGLE FAMILY

SCALE: REDUCED QTR. SEC.

DATE: 11-1-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 22, 1987, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-12-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1987.

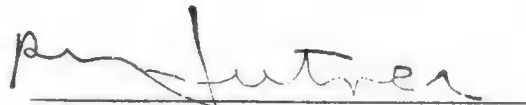
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1987.

Certified and signed this
4th day of January 1988.


Robert Hutner
Secretary

Robert L. Stark, representing the Sandpoint Neighborhood Associate requests a change of zone from RA to M-1 to R-1.

Location: An area more or less south of Engle Road, and east of Ardmore Ave.

Legal: See File

Land Area: Approximately 440 Acres

Zoning: RA & M-1

Surroundings:	North	RA	Residential
	South	RB & R-1	Residential
	East	RA & RB	Residential
	West	County	Industrial

Reason for Request: Downzoning

Neighborhood Assoc.:

Landscape: No comment

Neighborhood Plan: No comment

Comprehensive Plan: The Comprehensive Plan states that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. Rezoning to single family residential should have a stabilizing influence on this area.

Planning Staff Discussion:

This is a large area of land that is predominately residential. The neighborhood association members, and various others have recently become aware of some potential land use, permitted by ordinance, which they do not feel would be compatible with the existing developments.

Therefore they are requesting a downzoning of these properties, as a means to preserve residential integrity and in unification of the area. The requested R-1 classification is the most restrictive zoning designation based on intensity of permitted uses.

The primary use of land in the area is single family residential, which is permitted in the existing zoning, and in the requested classification. We would not have any serious objection to the petition, based on existing characteristics of the area, conservation of property values, and public opinion and support of the petition

Recommendation: Do Pass

- 1) Approval would comply with the wish of neighborhood residents.
- 2) The primary uses in this area are single family residential.



THE CITY OF FORT WAYNE

LAND USE MANAGEMENT

Division of Community Development & Planning

4 January 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

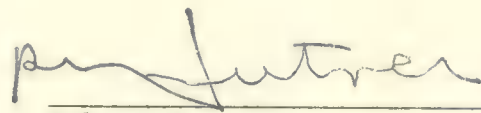
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-12-19

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
4th day of January 1988.


Robert Hutner
Secretary

FACT SHEET

Z-87-12-19

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment
From B-1-B to B-3-B

APPROVAL DEADLINE**REASON****DETAILS**

Specific Location and/or Address 7439 So Anthony Bl 7531 Old Decatur Road
Reason for Project Appliance Sales
Discussion (Including relationship to other Council actions) 21 December 1987 - Public Hearing Richard Downey, speaking on behalf of his mother, Eloise Downey stated that they presently have a rental property on the lot in question. He stated that it was occupied by RCA for many years. He stated that they recently vacated and they rented to an appliance dealer. He stated that at the time they rented the property they assumed the zoning would be adequate for his operation. He stated that the appliance dealer was informed that there would be a "cut" on certain parts of his business. He stated the renter has been issued a license to operate. He stated though that they want to avoid any future question about the ability to operate this business on this property. He stated it would also make it easier to rent or sell if it were rezoned. Herman Friedrich questioned if Mr. Downey had discussed the request with the Neighborhood Association. Mr. Downey stated he had not. He stated that he was going to talk to the property owners in the area, but most were business properties

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Eloise B Downey City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

being leased and the owners were not on site.

John Shoaff asked for the nature of the business that is presently on the property. Mr. Shoaff stated that B-1-B does allow for the sale of new retail.

Mr. Downey stated the renter sells both new & used appliances and does some repair work. He stated he gathered the thrust of his business at his previous location was used appliances and that was the problem with the B-1-B zoning, it does not allow used sales as the main purpose of the business, it must be new retail.

Yvonne Stam questioned what the previous use was.

Mr. Downey stated it was RCA factory service, which was the sole outlet for RCA service of its product. He stated they did not sell parts or appliances they strictly repaired and serviced RCA appliances.

Yvonne Stam questioned how long they had been at that location.

Mr. Downey stated approximately 20 years.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

28 December 1987 - Business Meeting

Motion was made and seconded to return

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight members present seven (7) voted in favor of the motion one (1) did not vote.

Motion carried.

Project Start

Date November 2, 1987

Projected Completion or Occupancy

Date January 4, 1988

Fact Sheet Prepared by
Patricia Biancaniello

Date January 4, 1988

Reviewed by
Gay B. B. B.
Reference or Case Number

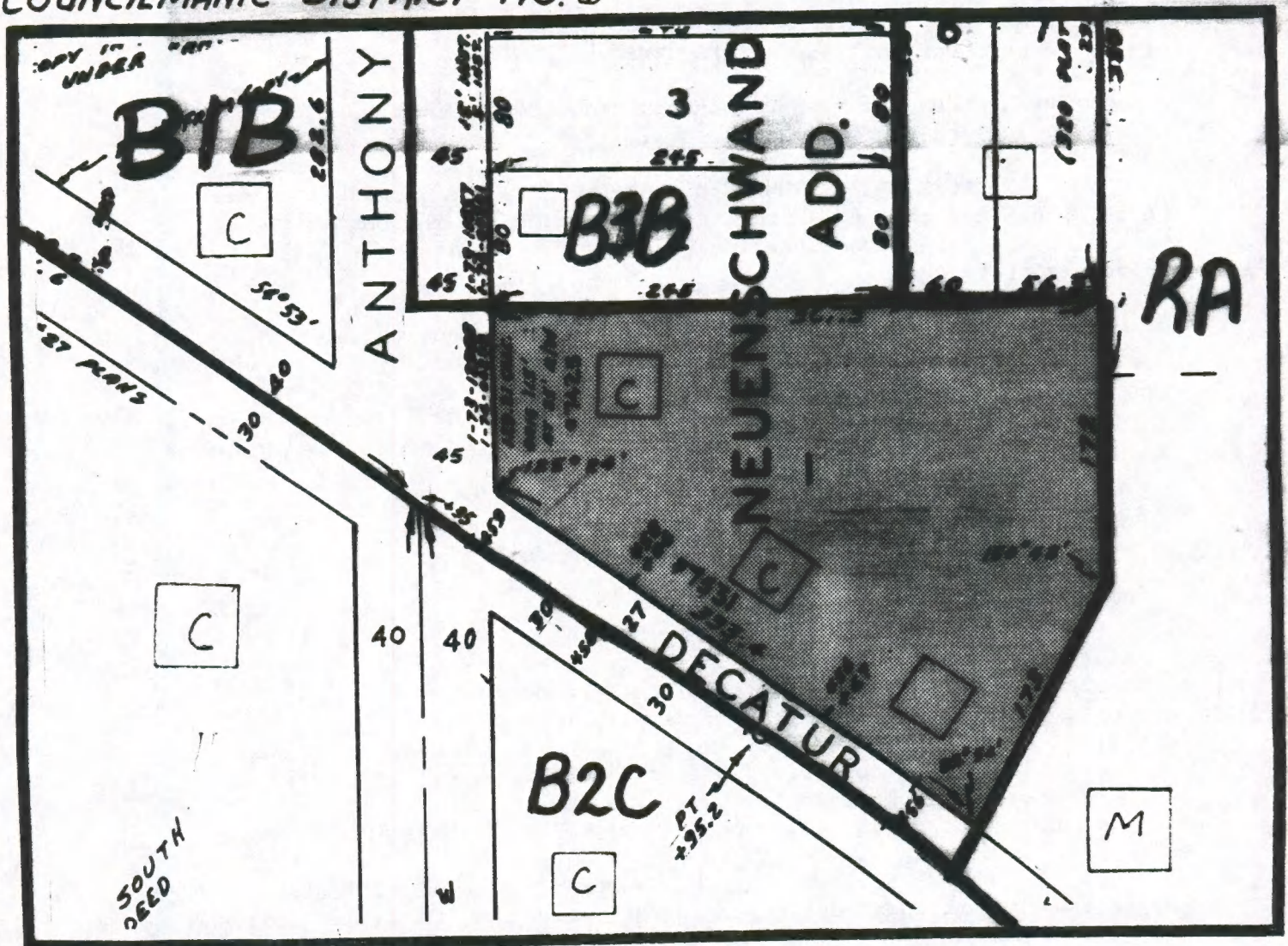
Date *7 January 1988*

REZONING PETITION #371

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT

MAP NO. P-31

COUNCILMANIC DISTRICT NO. 6



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 12, 1987, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-12-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

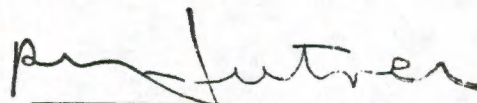
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1987.

Certified and signed this
4th day of January 1988.



Robert Hutner
Secretary

Eloise B. Downey requests a change of zone from B-1-B to B-3-B

Location: 7439 S. Anthony & 7531 Old Decatur Road

Legal: Neuenschwander Addition Lot # 1

Land Area: Approximately 1.8 Acres

Zoning: B-1-B

Surroundings:	North	B-3-B	Commercial
	South	B-2-C	Commercial
	East	B-1-B & RA	Open & Residential
	West	B-1-B	Commercial

Reason for Request: Appliance Sales

Neighborhood Assoc.:

Landscape: Provide landscape screen between B-3-B and RA districts, if approved, at time of change in site plan.

Neighborhood Plan: No Comment

Comprehensive Plan: The Comprehensive Plan states that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the South Sector, where this request is located, is to actively encourage development. The area is predominately business uses and those uses are compatible with the Comprehensive Plan.

Planning Staff Discussion:

A portion of this property, owned by the Seitz's was in for rezoning in October of this year. The Plan Commission recommended denial of this petition due to its potential negative impact on the area, and because there appears to be sufficient ground available in this corridor with the requested zoning designation. We still believe that there would be a potential negative impact on the RA (Mobile Home Park) parcel.

This new petition has been accepted because the October petition was for a small portion of this petitions area. The Plan Commission recommended "Do Not Pass", and the petition was denied by Council. Previously state law prevented refiling for one year unless there was a substantial change to the petitin. In this

case, state law has been modified, and the new petition includes additional land areas.

The stated reason for this petition is to allow appliance sales. The B-1-B district allows the sale of new appliances. A B-3-B would be required for sales of used appliances and appliance repair.

While commercial uses are appropriate for this area, and the Comprehensive Plan has set a goal of encouraging development, we need to seriously look at potential impacts. It appears that the need for more intense commercial classifications are not needed in this corridor. Many of the existing uses, located on B-3-B parcels, are of a limited business nature. Secondly there is a residential development (Mobile Home Park) located east of this site. This residential area could be exposed to adverse impact if this petition were approved.

Finally, the Plan Commission may wish to look at this area in terms of downzoning. The predominate commercial uses in the area are limited business uses, or planned shopping center uses. There may not even be a need for any B-3-B zoning in this area.

Recommendation: Do Not Pass

- 1) Approval would allow for a potentially negative impact on the abutting residential development.
- 2) It appears that adequate ground is available in this corridor that has the requested zoning.
- 3) The B-1-B designation permits approximately 90 uses which would have a lesser impact on the surrounding area.
- 4) The Plan Commission had denied an earlier petition for a portion of this parcel, and even though the land area has been increased, we do not believe that said change is sufficient enough to warrant a reversal of that recommendation.